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Senate

ANTI-NUCLEAR TERRORISM ACT OF 1984

Mr. DENTON. Mr. President, I am introducing today the Anti-Nuclear Terrorism Act of 1984, which would amend the Atomic Energy Act of 1954.

This legislation would greatly enhance the security of nuclear-power facilities by granting nuclear-power-reactor licensees access to the criminal history files of the Federal Bureau of Investigation to assist screening possible employees for nuclear plants. It would provide for the conduct of background investigations on any individuals having unescorted access to a nuclear-power facility. The background checks would provide an indication of employee reliability, stability, and trustworthiness.

Currently, only 10 States allow private employer access to the national criminal history records maintained by the FBI. The majority of background checks by nuclear-power-reactor licensees are limited to State or local files, which do not include information on an individual's past criminal record, if any, in other parts of the country. If enacted, the legislation would allow nuclear-power-reactor employers to have access to the national files and thus enable them to obtain more complete criminal histories. That information can be a crucial factor in the determination to grant or deny an individual unescorted access to the facility.

It should be noted that the FBI data in question are protected by the Privacy Act of 1974. Therefore, if information from this data base is provided to the Nuclear Regulatory Commission, then the Privacy Act protections and limits on disclosure will apply.

According to the Nuclear Regulatory Commission, there are 79 U.S. nuclear-reactor plants that produce and are licensed for full power, and 3 that are licensed for fuel loading and low power. In 1982, those nuclear facilities produced 278,034,73 megawatts of electricity. By September 1983, they had produced 207,954,073 megawatts. That is approximately 12 to 13 percent of all the U.S. electrical power.

Nuclear powerplants are vital to the

United States for energy, but they can also present a great danger to the environment and human life if they are mismanaged or damaged. Prevention of any mishaps in and around a nuclear powerplant is of the utmost importance.

Recently, the Nuclear Regulatory Commission began to investigate more than a dozen incidents of suspected sabotage by plant employees. The incidents, all reported since 1980, involved critical valves in the wrong position, miswired electrical equipment, and other flaws, all possibly attributable to human error. The Commission report said that there had been 32 possible deliberate acts of damage at 24 operating reactors and reactor construction sites between 1974 and 1982, including the dozen reported since 1980.

For example, at the Salem atomic-power station in southern New Jersey, on May 1, 1982, instrument valves were apparently deliberately mispositioned in a way that knocked out the steam generator feed-water pump that forced the operator to reduce power immediately to keep the reactor from going into emergency shutdown.

Another incident cited by the Nuclear Regulatory Commission occurred at the Beaver Valley Plant near Pittsburgh. A valve normally left in an open position was found shut, and the chain and padlock that secured this valve in the open position were missing. With the valve shut, emergency cooling water would not have been available for high-pressure injection into the core.

The Nuclear Regulatory Commission reported: "Since there were no indications of unauthorized entry to the sites of these incidents, they are thought to have involved insiders." A Commission memorandum issued last year concluded: "The major threat of sabotage to a nuclear plant is associated with the insider."

Those threatening incidents deserve preemptive measures such as screening of the employees of the plants.

The chairman of the House Energy and Commerce Committee, Representative JOHN DINGELL of Michigan, has warned that the national security

continues to be seriously threatened by the possibility that terrorists might slip by inadequate security forces to steal nuclear material or blow up nuclear production facilities.

Acts of terrorism are increasing in our country. The acts have the goals of attracting mass attention and encouraging political blackmail. Should a nuclear-power reactor facility ever become a target of terrorists, the consequences could be incomprehensible.

By giving the nuclear-power-reactor operators access to the Federal Bureau of Investigation criminal history files and thus giving the FBI the responsibility for helping to screen individuals having unescorted passage to sensitive and vital areas of the nuclear plant, the legislation that I propose would greatly aid in preventing any sabotage to nuclear powerplants from within. An ounce of prevention is worth a pound of cure.

I introduce the legislation to help insure the safety of nuclear powerplants and to protect the citizens and the environment of the United States. I urge my colleagues to join with me to support the legislation. It is urgently needed to safeguard the security of the United States and the welfare of the American people.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-nuclear Terrorism Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) the presence of nuclear power facilities and nuclear material in our society represents a potential and grave threat to our national security should terrorists obtain access to such material;

(2) the increasing threat of terrorism directed against the United States is greatly enhanced by insider access to nuclear power facilities and nuclear material; and

(3) the Federal Bureau of Investigation

should assist in screening persons who have access to nuclear facilities and material.

NATIONAL SECURITY ACCESS

SEC. 3. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"Sec. 149. Fingerprinting for security clearance.—

"a. Every person in the process of being licensed or licensed pursuant to section 103 or 104b to operate a utilization facility shall require that each individual allowed unescorted access to the facility be fingerprinted. All fingerprints obtained by a licensee as required in the preceding sentence shall be submitted to the Attorney General of the United States through a person or persons designated by the Commission in consultation with the Attorney General for identification and appropriate processing. Notwithstanding any other provision of law, the licensee may receive from the Attorney General the results of such search.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its responsibilities to promote the common defense and security and to protect the health and safety of the public."

(b) The table of contents at the beginning of such Act is amended by inserting after the item for section 148 the following new item:

"Sec. 149. Fingerprinting for security clearance."